

Law Enforcement News

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March 10, 1987

Lock 'em up, split 'em up, calm 'em down

How 176 police departments are dealing with cases of domestic violence.

Arrest

Cities with a preferred policy of arresting one party in a domestic dispute.

| | | |
|----------------------|-------------------------|---------------------|
| Allentown, Pa. | Huntington Bch., Calif. | Reno, Nev. |
| Arlington, Tex. | Jersey City, N.J. | Richmond, Va. |
| Atlanta | Knoxville, Tenn. | Riverside, Calif. |
| Bakersfield, Calif. | Lansing, Mich. | Sacramento, Calif. |
| Berkeley, Calif. | Las Vegas | St. Louis |
| Boston | Lexington, Ky. | St. Paul, Minn. |
| Bridgeport, Conn. | Lincoln, Neb. | Salem, Ore. |
| Buffalo, N.Y. | Long Beach, Calif. | San Diego |
| Cedar Rapids, Iowa | Los Angeles | San Francisco |
| Chicago | Madison, Wisc. | San Jose, Calif. |
| Colo. Springs, Colo. | Mesa, Ariz. | Santa Ana, Calif. |
| Columbus, Ohio | Miami | Seattle |
| Concord, Calif. | Millwaukee | Simi Valley, Calif. |
| Dallas | Minneapolis | South Bend, Ind. |
| Dayton, Ohio | Newark, N.J. | Spokane, Wash. |
| Denver | Newport News, Va. | Springfield, Ill. |
| Duluth, Minn. | New York | Stamford, Conn. |
| Elizabeth, N.J. | Oakland, Calif. | Stockton, Calif. |
| El Paso, Tex. | Orlando, Fla. | Sunnyvale, Calif. |
| Eugene, Ore. | Pasadena, Calif. | Tacoma, Wash. |
| Flint, Mich. | Paterson, N.J. | Tampa, Fla. |
| Fort Worth, Tex. | Peoria, Ill. | Tempe, Ariz. |
| Fresno, Calif. | Philadelphia | Toledo, Ohio |
| Garden Grove, Calif. | Phoenix, Ariz. | Tulsa, Okla. |
| Gary, Ind. | Portland, Ore. | Waterbury, Conn. |
| Hartford, Conn. | Pueblo, Colo. | Youngstown, Ohio |

Separation

Cities with a preferred policy of removing either the violent spouse or the victim.

| | | |
|-------------------|------------------|---------------|
| Amarillo, Tex. | Baton Rouge, La. | Irving, Tex. |
| Anaheim, Calif. | Columbus, Ga. | Lubbock, Tex. |
| Anchorage, Alaska | Indianapolis | Wichita, Kan. |

Mediation

Cities with a preferred policy of attempting to resolve the dispute with the couple.

| | | |
|--------------------|----------------------|----------------------|
| Ablene, Tex. | Corpus Christi, Tex. | Modesto, Calif. |
| Albany, N.Y. | Erie, Pa. | Norfolk, Va. |
| Austin, Tex. | Glendale, Calif. | Salt Lake City, Utah |
| Baltimore | Grand Rapids, Mich. | San Antonio, Tex. |
| Beaumont, Tex. | Hampton, Va. | Shreveport, La. |
| Birmingham, Ala. | Houston | Springfield, Mass. |
| Boise, Idaho | Jackson, Miss. | Tucson, Ariz. |
| Chattanooga, Tenn. | Little Rock, Ark. | Waco, Tex. |
| Chesapeake, Va. | Louisville, Ky. | Washington, D.C. |

Officer discretion

Cities with no preferred policy of dealing with domestic disputes; matter is usually left to the discretion of the officer responding.

| | | |
|----------------------|--------------------|------------------------|
| Akron, Ohio | Hialeah, Fla. | Pittsburgh |
| Albuquerque, N.M. | Hollywood, Fla. | Portsmouth, Va. |
| Alexandria, Va. | Honolulu | Providence, R.I. |
| Ann Arbor, Mich. | Huntsville, Ala. | Raleigh, N.C. |
| Arlington, Va. | Independence, Mo. | Roanoke, Va. |
| Aurora, Colo. | Jacksonville, Fla. | Rochester, N.Y. |
| Charlotte, N.C. | Kansas City, Kan. | Rockford, Ill. |
| Cincinnati | Kansas City, Mo. | St. Petersburg, Fla. |
| Cleveland | Lakewood, Colo. | San Bernardino, Calif. |
| Columbia, S.C. | Livonia, Mich. | Savannah, Ga. |
| Davenport, Iowa | Macon, Ga. | Springfield, Mo. |
| Des Moines, Iowa | Memphis, Tenn. | Sterling Hts., Mich. |
| Detroit | Mobile, Ala. | Syracuse, N.Y. |
| Durham, N.C. | Montgomery, Ala. | Topeka, Kan. |
| Evansville, Ind. | Nashville, Tenn. | Torrance, Calif. |
| Ft. Lauderdale, Fla. | New Haven, Conn. | Virginia Beach, Va. |
| Fort Wayne, Ind. | New Orleans | Warren, Mich. |
| Fremont, Calif. | Oklaoma City | Winston-Salem, N.C. |
| Fullerton, Calif. | Omaha, Neb. | Worcester, Mass. |
| Garland, Tex. | Oxnard, Calif. | Yonkers, N.Y. |
| Greensboro, N.C. | Pasadena, Tex. | |

Source: Crime Control Institute

Toughening up:

Spouse abuse arrests grow

The number of police departments that deal with cases of minor domestic assault by arresting one of the parties quadrupled from 1984 to 1986, with one-third of those having changed their policy as a direct result of the 1982 Minneapolis experiment on domestic violence, according to the Crime Control Institute.

A telephone survey conducted last year by the institute showed that 46 percent of responding police departments in cities of more than 100,000 residents said arrest was their preferred policy in domestic violence cases. In 1985, only 31 percent of those departments had an arrest policy

and in 1984, only 10 percent preferred arrest in such cases.

The institute reported that during 1984 and 1985, almost half of all urban police departments gave officers no policy guidelines in cases of minor domestic violence. Pressure on police departments to make arrests in these cases, stemming from several highly publicized lawsuits and media events, resulted in changes of policy.

However, half of all urban departments still fail to encourage arrest, the institute's report pointed out. Thirty-five percent of the 176 departments surveyed in 1986 still allow police

complete discretion regarding whether to arrest, mediate, separate the parties or take other action. Sixteen percent of the departments encourage mediation and 5 percent recommend separation.

Those departments that were among the first to change their policies to a preference for arrest were those that had previously encouraged mediation. Mediation was the leading policy in 1984, with 38 percent of the responding departments advocating this approach. That figure dropped to 17 percent in 1985, mirroring the percentage increase in the

Continued on Page 13

Atlanta looking to auxiliary force, cadet program to beef up police strength

Looking for a low-cost response to demands by Atlanta business leaders for enhanced public safety in the downtown area, a City Council committee recently explored a proposal to implement a highly-visible, cost-effective "paraprofessional" police force in the business district.

City Councilman Morris Finley proposed the establishment of the low-cost, auxiliary police force, which would be armed with only nightsticks and police radios. The primary duties of the uniformed force, in addition to serving as additional eyes and ears for the police, would be assisting tourists and directing traffic in the central business district.

"This person may be able to

help someone who wants to get to the Martin Luther King Center," said Finley. "Also, if an altercation occurs within that area, they could be hitting the radio and mounted patrol could come to the scene or pursue someone knowing they have professionals who are able to identify a perpetrator or give directions."

In many cases, he said, ordinary citizens are reluctant to get involved and bear witness in court. "These people would be able to do that so apprehension would be more likely and incarceration also," said Finley.

The creation of a part-time auxiliary force has already been approved by the City Council, but

has never been funded.

Finley said he is examining several potential sources of candidates for the auxiliary program. Currently, Atlanta has a program whereby high school students must serve 75 hours of community service work in order to graduate. "Here's an opportunity to take students and college kids and get them into this program."

The idea of using college students could also be combined with the establishment of a "cadet feeder system" for the police bureau, said Public Safety Commissioner George Napper.

Napper declined to comment on Finley's proposal until the council

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Know any good drug-enforcement programs? The IACP wants to know

Each police department in the country seems to have its own pet strategy for combating narcotics trafficking and drug abuse, but not all programs have proved to be effective.

The International Association of Chiefs of Police, the Drug Enforcement Administration and the Bureau of Justice Assistance have embarked on an ambitious program, however, to vastly improve drug enforcement and education efforts by searching out the best programs, ideas and strategies that departments have implemented and presenting the findings of the study to police administrators during five regional seminars beginning in April.

The 18-month Drug Control

Strategy Development Program, launched last November, is the first funded cooperative effort between the two Federal agencies and IACP.

Former Omaha Police Chief Robert Wadman, the program manager of the effort, said the presentations are intended to identify "those methods that have some degree of effectiveness." The best qualities of each program will be "distilled" out of the regional seminars, he said, so that a comprehensive package of information about the best existing programs can be made available.

From that, he said, a publication will be produced which BJA may adopt as a template for look-

ing at grant proposals and requests for funding for the various programs across the nation.

"The basic strategy of this project is that we've done an awful lot of things in the drug enforcement area for many years and many of them have not worked," said Wadman. "As a matter of fact, I don't think we have any research data that says any of them have worked."

The program is intended to accomplish several things, said Dick Ward, chief of BJA's law enforcement branch. One is to better define the nature and extent of the drug problem. "We'll bring recognized experts in the field of law enforcement to those regional

Continued on Page 6

Around the Nation



Northeast



MARYLAND — Howard County Executive Elizabeth Bobo has reversed an earlier position and said she will allow police and school officials to bring drug-sniffing dogs into the county's nine high schools. Bobo said she approved the plan after considering the widespread community support it enjoyed.

NEW JERSEY — The number of high school students in the state who regularly use alcohol and marijuana is declining, according to a survey by the Department of Law and Public Safety. The survey — the third in a series begun in 1980 — found that only 1 student in 7 can be considered a regular alcohol user and 1 in 20 a regular marijuana smoker.

Thomas Manning, an avowed revolutionary, was sentenced to life in prison last month for the 1981 murder of State Trooper Philip J. Lamonaco. Judge Michael R. Imbriani ordered that the sentence follow, rather than be served concurrently with, a 53-year term Manning is currently serving for his role in several bombings in the New York metropolitan area.

NEW YORK — The Nassau County Police Department and the U.S. Department of Justice have resolved a two-year discrimination dispute, allowing the county to begin promoting sergeants based on the results of a 1984 examination. The scores of black candidates on the test will be ranked using a method in which all candidates with scores within a certain range are considered to have the same score if that method gives them a higher ranking.

Following the in-custody death of a burglary suspect whose

hands and feet were shackled and tied behind his back, New York City Police Commissioner Benjamin Ward last month issued an order banning the practice he called "hog-tying." Ward's order says that officers who are unable to control a violent prisoner who has been shackled are to summon the police emergency service unit, which would use special stretchers or vinyl wrappings to restrain the suspect.

The former head of the New York City Police Department's intelligence division has been cleared in an internal inquiry of any wrongdoing regarding his relationship with a man linked to organized crime. The ruling cleared the way for Deputy Chief Peter J. Prezioso, 55, to retire with full pension after 31 years on the force.

PENNSYLVANIA — Court-related overtime among Philadelphia police officers decreased by 17 percent over the first seven months of the fiscal year that began last July 1, according to police commanders. Deputy Police Commissioner Thomas Nestel attributed the reduction to better coordination and communication among the police department, the district attorney's office and the court administration.

Southeast



FLORIDA — The Florida Highway Patrol seized more than \$111.7 million in illegal drugs during 1986, the third year of its drug interdiction program. The major factor in the 74 percent increase in drug seizures, according to Col. Bobby R. Burkett, the patrol's Director, was the increase in cocaine trafficking, which accounted for \$107 million of the total — an increase of 160 percent.

Marijuana seizures dropped 81 percent, accounting for \$4.3 million.

The Miami Police Department plans to dump 1,500 to 2,000 confiscated firearms in the Atlantic Ocean at a secret time and place, so they can't be used again. The department said dumping is cheaper than cutting or melting the weapons.

John M. Hogan took office as Florida's first statewide prosecutor last month, and vowed to turn his office into "a new source of anxiety" for organized crime figures. Hogan, who had been serving as chief assistant state attorney for Dade County felony division, will oversee a staff of 12, including 7 attorneys.

VIRGINIA — The State Senate's Local Government Committee has approved a bill that would bar local governments in the state from adopting new ordinances concerning firearms or change old ordinances. The bill was approved after the committee rejected an amendment, backed by the National Rifle Association, that would have prohibited localities from enforcing gun laws already on the books.

Midwest



ILLINOIS — State Inspector General Jeremy D. Margolis is said to have the inside track to succeed State Police Director James B. Zagel, who has been nominated to a Federal judgeship. Margolis, 39, made his reputation in a series of notable criminal cases, including terrorist acts by the group FALN, the Tylenol murders and the search for mass killer Alton Coleman.

The fastest growing minority group in the Chicago Police Department over the past two

years is Hispanics, according to police statistics. Currently, there are 611 Hispanic officers in the 12,575-member department. Thirty-two percent of the male officers and 62 percent of the female officers were hired in 1985 and 1986.

Oak Lawn Police Chief John Haberkorn, who was hired eight years ago to modernize and instill discipline in the 125-officer department, resigned Jan. 25, saying he had completed his program. Haberkorn recommended that Deputy Police Chief Robert Scholtes be named to replace him.

Peotone police officers Gary Zybak and Marvin Rathert are suing the town for \$2.1 million, claiming their First Amendment rights were violated when they were reprimanded for wearing earrings and socializing in a village bar during their off-duty hours.

KENTUCKY — Covington Police Chief Al Casson has agreed to review the police department's policy that requires officers to be at least 5 feet 6 inches tall. The department already has some officers under 5 foot 6, with Casson noting that the height requirement is sometimes disregarded as long as a candidate's height is proportionate to his weight. Casson will recommend in three weeks whether to keep the existing height standard, set a lower minimum height or abandon the requirement entirely.

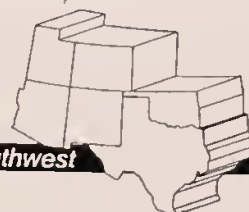
WISCONSIN — Gov. Tom Thompson has signed a bill authorizing \$50.9 million to build a 450-bed, maximum-security prison in Sturtevant and expand jails in Oshkosh and Waupun.

Plains States



MISSOURI — State Trooper Russell W. Harper, 45, an 18-year veteran of the Missouri Highway Patrol, was shot and killed Feb. 8 by a burst of automatic weapon fire after he stopped a man for a traffic violation. Harper was wearing a bulletproof vest, but was fatally shot in the head.

Southwest



COLORADO — An "Asian Mafia" gang in Denver that preys on Vietnamese has switched to less visible crimes as more victims cooperate with local police. Police say the gang is turning more to auto thefts and burglaries and cutting its involvement in kidnappings and robberies.

NEW MEXICO — Albuquerque District Attorney Steve Schuchman said last month that city police do not have to ask judges for permission to conduct "no-knock" raids.

OKLAHOMA — The Fraternal Order of Police in Tulsa has rejected the latest contract proposal from the city, continuing stalemate that dates to June 3, 1986, when the last contract expired. The city's latest offer would have given back performance incentive raises the city has withheld, and would have given officers an additional 2 hours a year of compensatory time. The FOP, which turned down a similar proposal last December, said that the performance raises should not have been part of the contract.

TEXAS — Dallas County Sheriff Jim Bowles last month unveiled a plan to construct two new jail towers at the Lew Starrett Justice Center, in order to house 6,000 extra inmates. Bowles urged the County Commission to hold a bond referendum as soon as possible to pay for the new construction. Low interest rates and the possibility of leasing space to other counties or Federal agencies would make the jail towers economically feasible, Bowles said.



IDAHO — A judge last month fined ex-Emmett Police Chief Mike Priest \$400 and ordered him to repay the city \$4,000 for embezzlement. Priest resigned in 1986.

A House committee has approved a bill to raise the state's minimum drinking age from 19 to 21. The state stands to lose \$4.5 million in Federal aid in 1987 if it does not raise the minimum age.

Robert Pires, a former associate of the white supremacist group Aryan Nations, last month pleaded guilty to bombing and murder charges and agreed to tell authorities about his former colleagues. Pires was promised Federal witness protection and a single 10-year sentence as part of a plea bargain with state and Federal authorities.

OREGON — The State Supreme Court again overturned a law against making obscene telephone calls last month. The court had tossed out an earlier version of the law in 1979, and the legislature passed a new statute in 1981. In a unanimous opinion, the court said the telephone harassment statute is "hopelessly overbroad."

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Feds prepare to deploy drug-test monitors

Undaunted by recent court decisions that declared random testing for illegal drugs unconstitutional, Attorney General Edwin Meese 3d and Secretary of Health and Human Services Otis R. Bowen last month unveiled the details of the Reagan Administration's plan to test more than one million Federal employees.

The drug-testing program, described by the two Cabinet officials at a Feb. 20 news conference, includes direct observation of urination in some cases and the use of colored water in some toilet bowls to foil potential cheaters.

The guidelines were developed

in furtherance of an executive order issued by President Reagan last year, and speak to the Administration's determination to proceed with random testing despite a lawsuit by the National Treasury Employees Union that challenges the urinalysis testing.

With the exception of the U.S. Customs Service — the respondent to the Treasury union's lawsuit — Government agencies have not been expressly forbidden to conduct drug tests.

[For an up-to-date scorecard on court rulings in drug-testing cases, see "Burden's Beat," on page 7 of this issue.]

Dr. Bowen and Attorney

General Meese indicated that any Federal employee who refuses on principle to submit to the drug testing could be disciplined as if an actual test had detected drug use. Such discipline might include dismissal, the officials said.

Should an employee's urine sample test positive and he or she fails to successfully complete a drug counseling program, as required under the guidelines, that employee would be terminated, and "properly so," according to Constance J. Horner, director of the Office of Personnel Management.

Horner said she does not expect dismissal on those grounds to be a

frequent occurrence. "In fact, it may be a rare one," she said, "but it should be there for use if necessary."

The guidelines drafted by the Department of Health and Human Services involve a three-stage testing process intended to weed out any false findings of drug use that could result in "adverse personnel actions" against employees.

While the guidelines are effective immediately, individual Federal agencies have 180 days to determine which jobs are sensitive enough to warrant urinalysis testing of those who hold them and to make any necessary technical preparations.

The stringent security measures built into the guidelines include the use of blue-dyed water in the toilet bowls of designated testing bathrooms, in order to prevent urine samples from being adulterated with toilet water.

Workers giving urine samples would be closely scrutinized by

testing monitors and reported for any unusual behavior or appearance. Employees would be required to leave all outer clothing, pocketbooks and briefcases with monitors before entering toilet stalls.

The testing monitors, who would be present in the bathroom while employees are submitting samples, would not actually observe urination, the guidelines state.

Urine specimens are to be tested immediately for temperature to make sure that they are fresh. Any samples deviating from a specified range of temperatures would be retained as possible evidence of cheating.

Those whose samples are rejected for any reason or whose conduct suggests the possibility of cheating would be required to provide a second sample "under direct observation."

Under the three-tiered system,

Continued on Page 5

Fun with figures:

Tourists bring Fla. crime down

Police and other public agencies in Florida may find it easier to assess actual crime rates and plan for large influxes of tourists and other non-residents, thanks to a study completed recently by the Florida Department of Law Enforcement.

For some time police in the Sunshine State — including FDLE Commissioner Robert Dempsey — have maintained that crime rates there are artificially inflated for the full-time population, due to the large crowds of tourists who flock to the state's beaches and numerous other attractions. The FBI's Uniform Crime Reports, which is based on the residential population of a state or locality, gave an "unfair" picture of crime rates in Florida, Dempsey said.

The new study, conducted by FDLE's Statistical Analysis Center (SAC), found that when out-of-staters were taken into account, the crime rate for the state's resident population dropped significantly.

According to Fred Schneyer, an FDLE spokesman, the crime rate in 1985 was 7,634 crimes per 100,000 population. By statistically separating residents from tourists and non-residents that year, the crime rate dropped to 7,362 crimes per 100,000.

In 1985, Florida's influx of non-residents added an extra 3.7 percent — 415,000 individuals — to the average daily population. The influx, the study found, was highest in January, at 10.5 percent, and lowest in October, 1.8 percent.

By relying on the standard ratio of 2.2 police officers per 1,000 population, the transient population caused the state to need an additional 920 officers to handle the crowds. Monroe County (Key West), one of the areas most affected by the influx, would have needed an additional 18 officers to cope with the 24 percent increase in population, while Palm Beach would have needed an extra 93 officers in 1985 to handle an increase of 20 percent.

In order to determine the tourist-based population increase, FDLE relied on sales-tax data generated by the Department of Revenue, and on non-resident spending pattern estimates by the Department of Commerce. Using the Revenue

Continued on Page 15

Police memorial fund gears up to raise \$5 million

With groundbreaking just two and a half years away, the National Law Enforcement Officers' Memorial Fund is launching an intensive direct-mail campaign in hopes of raising the \$5 million needed to erect a monument to police officers who have been killed in the line of duty.

"We are counting on an important share of that amount to be provided through private contributions from the general public and this direct mail will be an important part of this process," said Craid Floyd, executive director of the fund and an aide to Rep. Mario Biaggi, (D-N.Y.), who co-sponsored the legislation authorizing the memorial.

The legislation's other sponsor was Sen. Claiborne Pell (D-R.I.), a long-time supporter of the law enforcement community.

In the meantime, the fund has selected an architectural firm to help select the site for the memorial. "That is quite a process in itself," said Floyd.

"While Congress authorized us to build this memorial on public land in D.C., we still have to focus on the specific site — there are about 50 sites available here in the city," he said. "We then have to convince the National Park Service, the Fine Arts Commission and the National Capitol Planning Commission that the site we select is best for us and that they should approve that decision."

Two sites rank high on the preferred list for the memorial. One is along Constitution Avenue between the White House and the Washington Monument, and the other is in Constitution Gardens between the Lincoln Memorial and the Washington Monument.

The design for the monument has not yet been chosen, Floyd

said, since the site will help to determine the design. The board of directors of the fund hopes to have a site chosen by the end of this month.

The project director for the memorial — and the only full-time employee of the fund — is Jan C. Scruggs, an Army veteran who directed the effort to build the Vietnam Veterans Memorial. The memorial, an imposing black granite slab that is visited by more people than any other outdoor monument in Washington, has been called the "greatest healing factor" for the nation's emotional wounds stemming from the Vietnam War.

President Reagan signed the law authorizing a National Law Enforcement Memorial in Washington on Oct. 19, 1984. The legislation, passed unanimously by Congress, was enthusiastically endorsed by the nation's leading law enforcement organizations.

In the last 10 years alone, more than 1,500 officers have died in the line of duty. The memorial will pay tribute to all state, local and Federal law enforcement officers killed, in addition to fostering a "greater understanding and appreciation of the law enforcement profession's history and continuing service," according to a statement by the fund's organizers.

Biaggi, a former New York City police lieutenant who was wounded 10 times and awarded 28 commendations for heroism during his 23-year police career, is the acknowledged motivating force behind the memorial. The monument is "long overdue," said Biaggi. "It would serve as a constant reminder of the critical need to better protect those who continue to protect us."

Federal File

A roundup of criminal justice-related activities within the Federal Government.

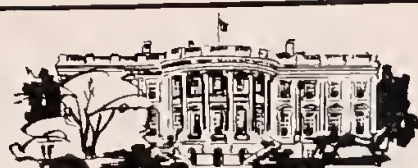
National Institute of Justice

★ A study of persons arrested in New York for serious crimes since 1984 shows a dramatic increase in the number of arrestees who test positive for cocaine use. A survey conducted from September through November of last year found that nearly 8 out of 10 showed signs of having used cocaine, and the proportion reached 9 out of 10 in the case of those charged with selling illegal drugs. The study found that cocaine use among offenders doubled since 1984, when more than 4,000 voluntary participants were tested for illegal drugs in a similar project. Eighty percent of those charged with robbery last year had used cocaine, as had 70 percent of those charged with burglary. In an effort to keep track of developing trends in offender drug use, NIJ director James K. Stewart announced the implementation of a Drug User Forecasting (DUF) system, which he said "will provide information needed to forecast future drug epidemics, to plan the allocation of scarce law enforcement and treatment resources, and to assess the impact of societal actions to reduce drug abuse in the offender population." The forecasting system, which will be launched in 10 cities beginning with New York, will begin by tak-

ing urinalysis samples from 200 male offenders during a three-month period. The samples will be submitted voluntarily and anonymously, with no further charge for drug use lodged against the offender. The project will cost about \$400,000, according to Stewart.

Department of Justice

★ William F. Weld, the assistant attorney general in charge of the Justice Department's criminal division, has asked the United States Sentencing Commission to develop guidelines for restoration of the death penalty for certain Federal crimes, including treason, espionage and the assassination of a President. Weld told the commission that the death penalty would serve three purposes that Congress had required Federal sentences to achieve: "just punishment, deterrence and incapacitation." The Justice Department has maintained that the sentencing commission has the legal authority to draft guidelines for capital punishment in certain instances. Others have asserted that the Justice Department is encouraging the commission to reinstate the death penalty through a "back-door" maneuver. The commission is due to submit its initial guidelines to Congress by April 13. The guidelines will become binding unless Congress amends or rejects them within six months.



People and Places

Turning the tables

Dr. Victor Bigford, a dentist in Berrien Springs, Mich., says he wanted to prove how inept local police were at fighting crime, so he launched his own one-man crime wave. The police were better than Bigford suspected — they arrested him after he wrote a bad check for \$267 at a Sears store.

The dentist, who had no previous criminal record, fitted himself with a bridge of false teeth to reshape his physical appearance, documented a new identity and then proceeded to write thousands of dollars worth of bad checks. As a result of his escapades, he now has a felony arrest record and faces a jail term.

"I guess I haven't proved as much as I thought," Bigford said. "I guess they can prosecute and punish when they want to."

Bigford estimated his bad check total at \$5,000, but claims he has repaid it. He was arrested last Sept. 16 after writing the bad

check at Sears. Bigford pleaded no contest and faced up to 13 months in jail and a \$500 fine when sentenced Feb. 17. A charge of perjury for having a false driving license was dropped.

After being arrested, Bigford, 55, told police he had been researching for a book on crime called "The Crook Book," according to Mark Courtade, an assistant prosecutor in Kalamazoo County.

According to Courtade, Bigford produced a manuscript which explained how to change a birth date and how to get a different Social Security number, among other things. The manuscript was elaborate, said Courtade, and seemed to have been worked on for a long time.

Bigford claims he had planned to pay for off the bad checks all along but Courtade said that the dentist did not reimburse the store owners he victimized until the day after police told him he was a suspect.

Bigford said his personal crime wave stemmed from having been victimized over the years by bad checks, burglaries and fraudulent business deals. No arrests were ever made in those cases, Bigford said.

"Somebody had ripped me off," he said. "I just sat down as a lark, thinking 'let's see, how many white-collar crimes could I do? I didn't want to show people how to commit crime, but combat it.'"

Bigford changed the name on his birth certificate to read "Richard Balenger" and then accumulated new credit cards, a driver's license and a false address to bolster the new identity.

Guarding his flanks

If Madison County, Miss., Sheriff Jase Hopkins has any competition in his race for a full term as sheriff, it seems likely that that competition will not come from within his own department.

Hopkins, who was appointed in December to serve the 13 months remaining in the term of the late Sheriff Billy Noble, fired Deputy Sheriff Bobby Winters last month when Winters filed qualifying papers to run for sheriff this year as a Republican.

The only reason for the dismissal, said Hopkins, was that Winters was running against him. "There was no other reason," said the sheriff. "I didn't

have to have one. I don't think it's in the best interest of the sheriff's office to have a deputy running against the sheriff."

And that apparently will hold true for any department employee who decides to run.

Hopkins had initially posted a memorandum warning employees that they would have to resign or be fired before qualifying for any county office. "I hope to lose no one," the memo said.

The policy still stands with regard to the office of sheriff, although the ban was lifted for employees who seek other offices.

Hopkins' objection is not that a deputy's candidacy might detract from his work, but rather that he does not want the competition to be so close to home. "It's my decision," he said.

According to Pat Flynn, a special assistant attorney general, while the state attorney general's office has not been asked to issue an opinion on the legality of Hopkins' actions, several people have made informal inquiries.

"We haven't ever issued an opinion on whether a local or county employee must resign before seeking political office," she said. "There is no law that directly addresses this, so it would have to be an interpretation of several laws."

A deputy sheriff is not protected by Civil Service requirements, she said, thus leaving him "at the will and pleasure" of the sheriff who appointed him.

Madison County constable Mike McGowan, another candidate for sheriff, is deputized to serve in the sheriff's department but is not on the payroll. "I don't guess I can be fired if I'm not being paid," he said. "But then again, I don't know."

In the clear

Working during his vacation and on his days off, New York City police Lieut. Thomas Duffy doggedly pursued a troubling murder case. At length, his efforts led directly to freedom for Robert McLaughlin, a young Brooklyn man who had been wrongly convicted in the homicide that stemmed from a nighttime holdup.

For his "extraordinary efforts," Duffy, a 22-year veteran of the police department, was named as one of three recipients of awards given by the New York State Bar Association's Criminal Justice Section at its annual convention in January.

On Dec. 29, 1979, three gunmen held up 15 to 20 people in Marine Park, Brooklyn. One of the victims was fatally shot as he tried to resist. McLaughlin, who denied any participation in the incident, was convicted solely on the testimony of one of the victims, Robert Tobin. Tobin had been shown a photograph of

McLaughlin after police had confused him with another Robert McLaughlin listed in police records.

McLaughlin maintained his innocence while serving six years of a 15-years-to-life sentence. Based in part on Duffy's relentless detective work, Tobin later recanted his testimony. McLaughlin's sentence was vacated and the indictment dismissed last July 15.

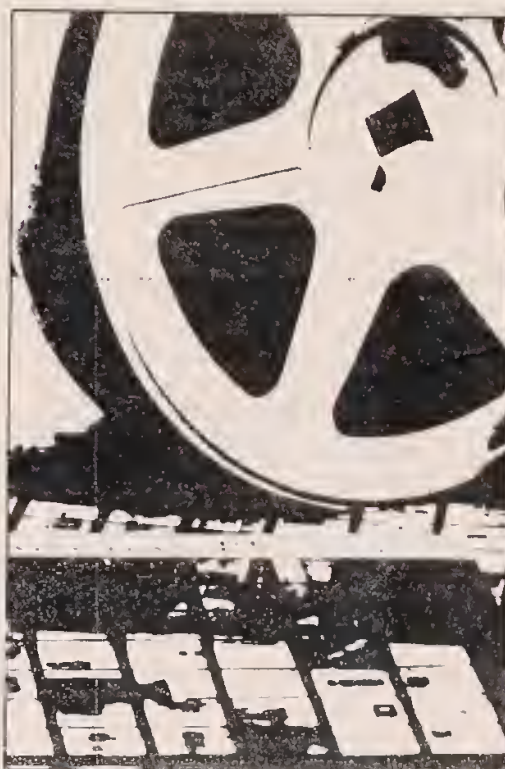
Duffy was presented with the bar association's David S. Michaels Award, which "salutes courageous efforts to promote integrity in the criminal justice pro-

cess," according to Judge F. White of the New York Criminal Court, who is chair of the Criminal Justice Sect.

The Criminal Justice Section also honored another veteran New York City lawman, retired Chief of Inspectional Services John Guido, for his efforts to promote and preserve the integrity of the New York City Police Department.

Walter Kelly, Superintendent of the Attica Correctional Facility, was also cited for his work in proving the conditions, atmosphere and morale of staff inmates at that facility.

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What They Are Saying

"They're a lot like judges. They have the authority and don't like to give that up."

James K. Stewart, director of the National Institute of Justice, on the reluctance of police officers to give up discretion in handling cases of domestic violence. (13:4)

Clarkstown, N.Y., Police Officer Timothy O'Neill is nothing if not a modernist, and, as president of the Rockland County Patrolmen's Benevolent Association, he has made it a personal mission to bring some innovative police thinking to a county that he believes is trying hard to maintain its traditional ways.

Rockland, a bedroom community for many who work in nearby New York City, is the smallest county in the state — it takes under a half-hour to drive from one end to the other, 15 minutes or less in an emergency. But while the area is small, the salaries of officers who protect this largely suburban community are not. The entry level salary for Clarkstown officers is \$27,000, which is higher than the current starting salary for New York City police officers.

A Rockland County native, the 32-year-old O'Neill has been a police officer for eight years — four of those spent as union president. While he may want to become a detective eventually, he says that "right now, I feel patrolman is the best job. I feel like I'm my own boss. I like being outside, not sitting behind a desk, which is what I would be spending a lot of time doing if I were a sergeant."

O'Neill has been involved in police unionism since he entered policing, first with his local PBA and then with the county organization. "I was kind of outspoken," he said. "I saw a lot of inequities." He started out as vice president of the Clarkstown PBA but when the presidency of the county union came up, a group of colleagues persuaded him to go for it. "I'm glad they did," says O'Neill. "I've had a lot of good experiences."

O'Neill does not get paid for the 40-plus hours he spends each week on union business. It is perhaps telling that he spends as much time working without pay to improve the lot of police officers in the county as he does as a salaried law enforcement officer.

By his own admission, O'Neill had a lot to learn about politics when he assumed the union's presidency. But he proved a quick learner. His savvy and determination as a union leader led to the establishment of psychological testing for police applicants during his first term, and to the union's hiring of a stress management consultant.

"What brought it about was a lot of fellows got into trouble, mostly with an incident that involved drinking. This fellow came in, got guys into treatment, helped them out, helped out their families, so we brought him on board as a consultant."

O'Neill recalls that when he first suggested that the Clarkstown PD hire a consultant for drug and alcohol counseling, there was a wave of institutional resistance. "There was great denial on their part — 'no, no, we don't have a problem in this police department.'"

The substance abuse problem in Rockland County is bigger than most people would care to acknowledge, according to O'Neill, who has a four-year-old daughter and is an executive board member of DADDY (Dads Against Dangerous Drugs for

On The Line: A LEN profile

Officer Timothy O'Neill

Aggressive modernist at the helm of the Rockland County, N.Y., PBA



Youth). "We just recently had a police officer arrested for this and that really brought it out into the light. About two years ago they had a study that said Rockland County schools have one of the worst problems — including New York City — in the state. So what does that tell you?"

O'Neill contends that the problem is attributable in part to the fragmented structure of law enforcement in the county, which contributes to a lack of accountability and a denial response on the part of police administrators. There are 12 local police departments in the tiny county, each with its own police chief, contractual agreement and department rules and regulations. Overseeing each of the departments is a Board of Police Commissioners, usually made up of local businessmen or civic leaders.

O'Neill is an outspoken advocate of consolidating the local agencies into a single countywide police force. Consolidation, he says, would enhance the county's ability to set up more specialized police units — a psychological counseling division, for example. It could also improve the career paths of police officers, who now tend to opt for retirement after 20 years, since the current system of life tenure for local police chiefs dampens the prospects for a young officer who wants to climb the departmental ladder.

In addition, he says, consolidation would bring about the sorely-needed accountability on the part of the county's police brass.

O'Neill is opposed to the "personal fiefdoms" which the county's police chiefs have set up. "Once a police chief is made, he is accountable to no one. That's a bad system."

In Clarkstown, the police commissioners are two town board members and an undertaker. "They are all fine men," says O'Neill, "but they know nothing about police work" and are thus unable to offer any knowledgeable input during meetings with chiefs.

Some villages, he said, can no longer even afford local police, given the rising cost of police salaries and liability insurance.

The question of consolidation, he says, comes up about once every 10 years. "Everyone thinks it would be better," but the biggest obstacle to attaining a county police force are the police chiefs. "Although they say they're great proponents of it, the last time they did a study they really over-budgeted" — thus terrifying the county's largely middle-class residents. A consolidation could be done gradually, he maintains, without imposing an untenable financial burden on residents.

With Rockland County having elected its first county executive last year, O'Neill is optimistic that consolidation will get a nudge in the right direction. In fact, he said, a task force has been formed to study the issue.

While it might be years before consolidation can be realized, O'Neill says the county PBA is going to start immediately "putting the push on for it." Said the county's leading police progressive, "I just see so many pluses for it."

Administration unveils guidelines for drug tests

Continued from Page 3

the worker will be tested for marijuana and cocaine, the substances most often abused. A positive result would not be reported by the testing laboratory to the employee's agency, but would constitute grounds for more extensive testing for a wider range of drugs.

If the second test finds evidence of drugs, the traces would be examined further, in consultation with the employee, by medical review officers — a new job category within each agency. These officers would determine whether legitimate reasons for the results, such as the ingestion of a drug prescribed by a doctor, could excuse the employee from disciplinary action.

The drug-testing guidelines drew sharp criticism from civil liberties groups and the Treasury employees union.

"It is unfortunately an even more intrusive step toward the invasion of personal privacy," said Barry Lynn, legislative counsel for the American Civil Liberties Union. "I think it's totally unreasonable and irresponsible to now generate a new government position as urination monitor. It's certainly an unpleasant and intrusive new job description."

NTEU president Robert Tobias blasted the program as "a comic exercise in Ty-D-Bol justice" and "hullabaloo without foundation." The facts, he said, show no drug problem in the Federal civilian employee sector.

Calling up the reserves:

Atlanta looking to auxiliaries

Continued from Page 1

cil's Public Safety Committee had completed its study.

The "cadet feeder system," said Steven Bowser, director of public safety for the Atlanta University Center, is being coordinated by Mark Lawson, a president of the city's International Brotherhood of Police Officers. The program, said Bowser, would be organized along the lines of New York City's Police Cadet Corps.

Finley said he is also looking to the ranks of private security guards to fill out the proposed auxiliary force. The auxiliary personnel would be paid between \$5 and \$10 an hour, much more than many of the city's armed guards earn now, Finley said. "It would

cut the fear senior citizens have of the downtown area," he said.

Although the City Council has not decided which of the three personnel sources to tap for the auxiliary force, the key, according to Finley, is in getting the business community to support and finance the program through a special tax district. "The legislature said you can give tax abatements within a certain area," he said. "The business community said this would be an enhancement for them to have that kind of visibility out there."

By letting the business community pay for the patrol through a special tax district, Finley said, the large number of police officers in the downtown area could be

redeployed to other parts of the city where the crime rate is high.

A further consideration that will have to be given Finley's proposal is that of municipal liability. If the auxiliary force were to come under the police department, Finley said, there might be a problem. "We're looking toward the Department of Public Safety to help us with that."

Finley said he does not see why an auxiliary police officer would want to hurt someone, but added, "He's got a nightstick and he's standing in the street with a radio so we can always find that kind of area. I'm pretty sure no one's going to provoke an altercation. Those are the kinds of things you've got to iron out."

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IACP, Fed agencies are looking for a few good drug programs

Continued from Page 1

seminars to talk about programs that work, emerging programs, leading edge programs, virtually anything we think has a chance of succeeding and helping the problems caused by drug abuse and trafficking," he said.

According to Larry Gallina, a spokesman for the DEA, the program should also result in better information-sharing and improved communication among local police agencies.

Most police departments have programs in buying narcotics, executing search warrants, sting or reverse sting operations and other traditional, enforcement-oriented programs, said Wadman. "We want the very best of those," he said, "but just as important is the idea that we can do something about demand."

Historically, Wadman said, the United States has pointed the finger at other countries instead of looking within to determine what is causing the enormous American demand for drugs. "The real significant issue is that if we are not the largest drug-consuming nation in the world than [we are] close to it," he said.

"We have asked Turkey to supplement their cash crop of opium with other agricultural crops and we have subsidized that," said Wadman. "We have asked Mex-

ico to spray paraquat on marijuana when our own Environmental Protection Agency wouldn't allow us to spray and we are certainly going through Bolivia and Colombia trying to eradicate their cocoa plants.

"Have we been successful at stopping the marijuana problem in the 60's and 70's? Have we been successful stopping the heroin problem in the 60's and 70's? Can we stop the cocaine problem in the 80's or are we just poised at the seawall waiting for the next wave of drugs to sweep this country?"

The techniques used today and in the past are not "any more effective than what we are potentially going to use tomorrow," Wadman said. "What we need to do is look at that."

The two demand-reduction efforts that have impressed the project staff the most thus far are the DARE and SPECDA programs.

DARE — an acronym for Drug Abuse Resistance Education — is now in its fourth year of operation in Los Angeles. In keeping with a school of thought which says children should be educated about drugs before they experiment with them, DARE concentrates on fifth, sixth and seventh graders. For 17 weeks, Los Angeles police officers make visits to city classrooms to teach

children how to resist peer pressure and how to say no to drugs.

There has been no study showing decrease in use by children who participate in the DARE program reports by teachers, and the children themselves a change in attitude toward academic performance since the program began. Academic performance of children was found to be improved, although that objective of the program.

SPECDA (School Education and Control Abuse), a cooperative program involving the New York City Department of Education and the City Police Department, is now operating in the city's 32 school districts.

For two months, fifth graders participate in a program for one hour a week on drug-related strategies for resisting peer pressure.

"We have a whole series of programs we are looking at," Wadman said.

[Persons involved in the project with programs that have attracted attention of the project are asked to call Robert (301) 948-0922.]

CRIME FILE

...10 new videotapes take a continuing look at enduring public problems

With a grant from the National Institute of Justice, the Police Foundation is producing 10 new segments of *Crime File*, an innovative videotape series first released last year, which focuses on America's most critical criminal justice issues.

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James O. Wilson, chairman of the Police Board of Directors and Professor of Government at Harvard University, selected all topics and segments for *Crime File*. The series is designed for use in classrooms, in police academies, in public community forums and conferences, as well as on local television stations.

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High court tells cops: 'Seek and ye shall find'

When is a search not a search? When the search is part of a routine inventory, according to



Supreme Court Briefs

Jonah Triebwasser

this week's U.S. Supreme Court opinion.

Facts of the Case

On Feb. 10, 1984, a police officer in Boulder, Colo., arrested Steven Lee Bertine for driving while under the influence of alcohol. After Bertine was taken into custody, but a tow truck arrived to take Bertine's van to an impoundment lot, a backup officer conducted an inventory of the contents of the van.

The officer did the inventory in accordance with local police procedures, which require a detailed inspection and inventory of impounded vehicles. He found a backpack directly behind the front seat of the van. Inside the pack, the officer observed a nylon bag containing metal canisters. Opening the canisters, the officer discovered that they contained cocaine, methaqualone tablets, cocaine paraphernalia and approximately \$700 in cash. In an

outside zippered pouch of the backpack, the officer found an additional \$210 in cash in a sealed envelope. After completing the inventory, the officer had the van towed to an impoundment lot and brought the backpack, money and contraband to the police station. Bertine was subsequently charged with driving under the influence of alcohol, unlawful possession of cocaine with intent to dispense, sell and distribute, and unlawful possession of methaqualone.

Tossing the Backpack

Bertine moved to suppress the evidence found during the inventory search on the grounds that, among other things, the search of the closed backpack and the containers exceeded the permissible scope of such a search under the Fourth Amendment. The Colorado trial court ruled that probable cause supported Bertine's arrest and that the police officers had made the decisions to impound the vehicle and to conduct the inventory search in good faith. The district court, while noting that the inventory of the vehicle was performed in a "somewhat slipshod" manner, concluded that "the search of the backpack was done for the purpose of protecting the owner's property, protection of the police from subsequent claims of loss or

stolen property, and the protection of the police from dangerous instrumentalities." The court observed that the standard procedures for impounding vehicles mandated a "detailed inventory involving the opening of containers and the listing of [their] contents." Based on these findings, the court determined that the inventory search did not violate Bertine's rights under the Fourth Amendment.

Nonetheless, the court granted Bertine's motion to suppress, ruling that the inventory search violated provisions of the Colorado state constitution.

On the state's interlocutory appeal, the Supreme Court of Colorado affirmed the suppression order. In contrast to the district court, however, the Colorado Supreme Court based its decision on the U.S. Constitution. The court recognized that in *South Dakota v. Opperman*, 428 U.S. 364 (1976), the U.S. Supreme Court had held inventory searches of automobiles to be consistent with the Fourth Amendment, and that in *Illinois v. Lafayette*, 462 U.S. 640 (1983), it was held that the inventory search of personal effects of an arrestee at a police station was also permissible. However, the Colorado Supreme Court felt that the U.S. Supreme Court decisions in *Arkansas v. Sanders*, 442 U.S.

753 (1979), and *United States v. Chadwick*, 433 U.S. 1 (1977), which held that searches of closed trunks and suitcases violate the Fourth Amendment, meant that *Opperman* and *Lafayette* did not govern this case.

The United States Supreme Court granted certiorari to consider the important and recurring question of Federal law decided by the Colorado Supreme Court.

Rehnquist to the Rescue

Chief Justice William Rehnquist delivered the opinion of the Court, in which six other Justices joined.

In upholding the legality of the inventory search, Chief Justice Rehnquist noted that inventory searches are now a well-defined exception to the warrant requirement of the Fourth Amendment (see *Lafayette*, *supra*, at 643, and *Opperman*, *supra*, at 367-376). The policies behind the warrant requirement are not involved in an inventory search (*Opperman*, *supra*, at 370), nor is the related concept of probable cause:

"The standard of probable cause is peculiarly related to criminal investigations, not routine, noncriminal procedures. . . . The probable cause approach is unhelpful when analysis centers upon the reasonableness of routine administrative caretaking func-

tions, particularly when no claim is made that the protective procedures are a subterfuge for

Continued on Page

Bar association lauds Triebwasser

Jonah Triebwasser, the Kingston, N.Y., attorney who is the Supreme Court correspondent for *Law Enforcement News*, was recently honored with one of the 1986 media awards presented by the New York State Bar Association.

Triebwasser was awarded the certificate of merit in the New York State radio broadcasting category, for his work as host of the show "Point of Law" on station WGHQ in Kingston. The public affairs series offered consumer and legal information through interviews with attorneys, judges and public officials. The bar association paid particular homage to two programs, one with NBC news correspondent Carl Stern, discussing changes in the United States Supreme Court, and one with Chief Judge Sol Wachtler of the New York State Court of Appeals, assessing the New York judicial system.

Drug-test cases in the courts: two rulings in favor, eight against

Thus far the courts have sent mixed signals about whether mandatory drug testing of law en-



Burden's Beat

Ordway P. Burden

forcement personnel is constitutional. But the preponderance of decisions has been against mandatory testing, according to the Legal Action Center, a New York public interest group that keeps score on litigation involving drug and alcohol abuse.

At the end of 1986, the center's scoreboard read: against mandatory drug testing without probable cause or reasonable suspicion, eight rulings; for testing, two rulings.

Several of the cases are now on appeal in the Federal court system, but by early this year no appellate decisions had been handed down in cases involving law enforcement officers. Without doubt the issue will finally go to the U.S. Supreme Court.

The two rulings permitting mandatory drug testing of law enforcement personnel were handed down last year in the Essex County, N.J., Superior Court and the New York State Supreme Court (which, despite their formidable

titles, are lower courts). In the New Jersey case, the court held that the Newark Police Department was within its legal authority to require all members of the narcotics bureau to submit to urinalysis. The New York court ruled that New York City correction officers who drive prison vans could be tested for drug or alcohol abuse as part of their regular physical examinations because of the safety and security considerations attendant to transporting prisoners.

In the eight cases in which courts ruled against mandatory drug testing for law enforcement officers, the decisions held that testing is permissible only if there exists probable cause or reasonable suspicion to believe that an officer used drugs. "Probable cause" is the higher standard since it requires a well-founded belief that evidence of drug use will turn up in a urine test.

That standard was cited by the judge in one of the most recent cases. In November, Judge Robert F. Collins of the U.S. District Court in New Orleans ended an antidrug campaign of the U.S. Customs Service, under which new agents and those up for promotion as customs agents, inspectors and investigators had to take drug tests. Judge Collins said, "This dragnet approach, a large-scale program of searches

and seizures made without probable cause or even reasonable suspicion, is repugnant to the Constitution."

That ruling, said Jon Bauer, a staff attorney with the Legal Action Center, "suggests that probable cause is the proper standard." But, he added, "most other cases say it's enough if there is a reasonable suspicion, based on objective facts, to believe that a particular person is using drugs."

The "reasonable suspicion" standard was cited in seven rulings over the past two years. In 1985 the Florida District Court of Appeals held that police and firefighters in Palm Bay City could not be tested for drugs without reasonable suspicion of drug use, although the decision's effect was diluted because the court also ruled that testing could be conducted as part of an annual physical exam. Also in 1985, a Federal District Court held that correction officers in the Iowa prison system could not be tested without reasonable suspicion of drug use.

Last year five courts cited the reasonable suspicion standard in forbidding antidrug testing sweeps in law enforcement. The cases involved the sheriff's department in Passaic County, N.J., officers in the organized

Continued on Page 13

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Forum

Walker:

Keep our cops at home — say no to the CIA

By Samuel Walker

At the request of the Central Intelligence Agency, the police departments in New York and 16 other cities are making some of their veteran officers available for overseas antiterrorist investigations (see LEN, Nov. 25, 1986). Thus far, only Houston and Los Angeles have refused the CIA's request.

New York and its sister cities should immediately terminate their participation in this ill-advised program that can only undermine hard-won police reforms and make the streets more rather than less dangerous.

The least of the problems is the diversion of scarce resources. Unless crime in the big cities has suddenly vanished in the past couple months, these municipalities can hardly afford to lose the services of any officers, even for a short period of time. Los Angeles Police Chief Daryl F. Gates has a better sense of priorities. He responded to the CIA's inquiry by saying, "We need all the police talent we have right here."

More serious is the hidden message this program conveys to individual officers about the nature of police work. It reinforces the action-adventure image of policing, with its emphasis on the pursuit of dangerous criminals, the excessive use of firearms, the casual contempt for the law and the glorification of the "big

bust." Movies and television have projected this very distorted image of policing for decades. Real police work, however, is primarily a human service. Cops deal with ordinary people and their mundane problems: domestic disputes, neighborhood quarrels, missing children and medical emergencies. Often they provide nothing more than information or a reassuring presence. These are unexciting and unrewarding tasks, but important and necessary ones.

Police experts — conservatives and liberals alike — have reached a consensus that police should concentrate on their peace-keeping responsibilities. They can and should enhance feelings of public safety by attending to citizens' little problems. Departments need to develop systems for rewarding officers who perform well in this role. The CIA loan program undermines this goal by reinforcing the old action-adventure image. It subtly tells officers that overseas adventure, not community service, is the path of career advancement.

Most dangerous of all is the impact of the experience itself. It throws officers into the murky world of CIA undercover work, where lies, deceit and contempt for legal procedures are deemed necessary and desirable. These are not the values that should be cultivated in officers who will return to police a city's streets.

The Knapp Commission investigation into New York police corruption 15 years ago provides a relevant object lesson. The greatest corruption existed in the undercover units, where officers were least supervised and where the values of the "rogue cop" were encouraged. The overseas adventure with the CIA is the same kind of experience and will have the same result. The CIA loan program will reinforce another insidious aspect of the "war on crime" mentality: It will teach cops to think in terms of an "enemy," of people who are not entitled to the legal rights of American citizens.

Over the past 25 years we have succeeded in imposing a web of legal constraints on police behavior. We still have a long way to go, but we have begun to curb the traditional lawlessness of police behavior. It would be a grave mistake to give officers an experience that under-

mines the respect for law.

Finally, the program loosens the constraints on the CIA, which is legal barred from engaging in domestic spying. The loan program will inevitably develop a cadre of alumni with a sense of loyalty to The Company. They will be very susceptible to requests from the CIA to do little "errands" for it, thus opening the door to illegal domestic intelligence gathering.

The mayors of New York and other participant cities should immediately terminate the program by executive order. Failing that, the city councils should forbid it by ordinance. Keep our finest home.

Samuel Walker, a professor of criminal justice at the University of Nebraska Omaha, is currently writing a history of the American Civil Liberties Union.

Lynch:

Facing the growing trend of cops and college credit

By Gerald W. Lynch

In New York City, Police Commissioner Benjamin Ward establishes a program to attract college graduates to the police force. In Atlanta, Public Safety Commissioner George Napper recommends that minimal educational requirements for entry-level police officers be raised to two years of college. In Dallas, the Police Department successfully fights a court battle to defend its mandatory minimum college requirement.

Why are police leaders from such different cities encouraging college education for their officers? Why do cops need college?

Every national commission on violence and crime in America for the last 20 years has concluded that college education can improve police performance, a conclusion that may jar the thinking of many outside law enforcement.

We know that considerably less than half of a police officer's time is spent on anything to do with the apprehension of criminals. Often, a police officer practices a kind of front-line crisis intervention, arriving in the midst of a violent domestic dispute, calming a psychotic individual or cooling the heated emotion of a street fight. Every day, police officers make quick decisions in emergency situations — to defuse tensions, to influence behavior, and sometimes to use force.

The police officer must be capable of grasping not only the legal issues in his work, but must have an understanding of human nature, of the social problems he confronts daily and of the thinking of those whose attitudes toward the law are not his own. A college education, regardless of the area of study, can help crystallize raw experience, dispel prejudice and heighten tolerance for ambiguity.

There are obvious public benefits from more humane policing, and college educated police officers are less authoritarian than their non-college-educated

counterparts, according to studies published in the *Journal of Criminal Law, Criminology and Police Science*. A Rand Corporation study of the New York City Police Department (1973), the level of education of an individual police officer was found to be the most powerful predictor of civilian complaints at assaults on suspects, abuse of authority and religious or racial prejudice. Civilians complained three times more often about non-college graduates than they did about college graduates. College graduates also performed better by disciplinary standards established by the NYPD. College graduates violated the department's internal regulations concerning insubordination, negligent use of a revolver and absenteeism significantly less often than did non-college-educated officers. The study demonstrates that policing is improved when the broad understanding and maturity that college education brings rationalizes police use of discretion, most critically, the rare decision to use a gun.

The number of training hours required of police officers has not increased dramatically since 1967, when 600 nationwide were required, on average, to have 200 hours of training before hitting the streets, armed and in uniform. But before we allow a physicist to set up shop, we require him to have an average of 11,000 hours of training and lawyers an average of 9,000. New York City Police Academy recruits through a training program more rigorous than that of many cities, but the fact remains that it takes 18 months to travel the path from civilian to officer. Every city takes an enormous risk when it puts a person on the street.

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Gerald W. Lynch is president of the John Jay College of Criminal Justice in New York.

Other Voices

A sampling of editorial views on criminal justice issues from the nation's newspapers.

Crime: Mayoral hopefuls hit on right issue

"All four major mayoral candidates have made Dallas' high crime rate their number-one campaign issue. And if there are any doubts that the political contenders have their priorities in the right place, one has only to look at the latest police statistics on major crime in the city. The report should confirm everyone's worst fears. Major crime went up nearly 19 percent from 1985 to 1986 — the largest year-to-year rise in at least a decade. Not only was the increase alarmingly huge, it was broad-based as well. Each of the seven major crimes went up. And two of those — robbery and auto theft — jumped more than 50 percent. It is not surprising that the mayoral candidates have latched onto the crime issue, given that the problem weighs so heavily on so many people's minds. Most have not only endorsed the far-sighted report of the mayor's criminal justice task force, but have included many of the recommendations in their own crime programs. There is commendable support for hiring additional police officers and worthy proposals for deploying existing patrols more efficiently. What really distinguishes the mayoral debate thus far, however, is the fresh understanding that the candidates have shown for the root causes of crime. Through their position statements on the issue, they have underscored the important point that combating crime involves more than having the right number of police. A community that is determined to bring the high crime rate under control is a community that also is committed to providing youngsters with solid educations, encouraging economic development in low-income areas and fighting drug abuse. That's because illiteracy, unemployment and drugs all have the potential of contributing to crime. Dallas' mayoral candidates can be expected to address a broad range of citizen concerns as the campaign progresses. But at the top of their agenda should remain the crime issue. Voters need to be told specifically how each would use the mayor's office to deal with not only the symptoms of crime but also the underlying causes."

— *The Dallas Morning News*
Feb. 1, 1987

Hypocrisy at 55 M.P.H.

"Arizona, one of two states cited by the Federal Government last year for inadequately enforcing the 55-mile-per-hour speed limit, recently got its lump: a fine of 1 percent of its Federal highway funds, or \$510,000. This slap on the wrist adds to the speed law's history of hypocrisy. The Senate wisely would revise the law, but the House still balks. Last year Congress considered but couldn't agree on modifications. The Senate approved a highway bill allowing states to set a 65-mile limit on rural interstates. But the House, led by James Howard of New Jersey, refused to go along unless the Senate accepted a mandatory seat belt requirement in place of the uniform speed limit. Seat belts deserve the widest use. But why should a modest, intelligent change in the speed law be contingent on adoption of seat belt legislation?"

— *The New York Times*
Feb. 6, 1987

Neuro-Linguistic Programming. Sort of sounds like someone tried to cross-breed "A Clockwork Orange" and the Berlitz Language School, right? Guess again. Reduced to basics, it's the ten-dollar name for a fundamentally simple technique that may be of immeasurable help to investigators and other police interrogators. As used by a skilled veteran like Police Chief Steve Rhoads of the small Illinois town of East Hazel Crest, it's played a significant part in cracking cases for some seven years now.

What's it all about, you ask? At the risk of oversimplifying, it boils down to two basic components: rapport-building with an interview subject and lie detection. Beyond that, it takes into account such aspects of personality and physiology as whether an individual is right brain or left brain dominant, the direction of eye movements, and the dilation and constriction of the pupils.

Chief Rhoads discovered NLP as an undergraduate student at the University of Southern Colorado, where he was studying to become a police psychologist. Introduced to the technique as part of a general course on

psychological therapies, he says he immediately "snapped on" the technique's potential for breaking through resistance in an interview setting, particularly in the child abuse cases he was working on. Two elements of NLP were particularly relevant. First was the fact that different individuals perceive the world around them through different primary senses, either sight, sound or feeling — what Rhoads calls their "dominant representational system." Then, he learned, an individual's eyes move in different and distinct patterns depending on whether one is remembering experienced events or "creating" from the imagination — in other words, lying. It gave Rhoads a new, nonmechanical way — albeit a subjective one — of determining truth or falsehood in the context of a police interrogation. Moreover, it proved helpful in getting closer to subjects, getting more information more exactly, and making one's case more compellingly to a judge or jury.

Rhoads subsequently abandoned his pursuit of a career as a police psychologist, and went on to become the first police chief in the boom town of Parachute, Colo. The town exploded virtually overnight from a tiny hamlet of 250 to a throbbing municipality of 10,000 construction

workers, oil-field roughnecks and others in the shale-oil business. He was called upon to build a police department from scratch, and was on his way to a police force of 25 to 50 officers when the bottom dropped out. The international oil market began to go into a tailspin, and along the way it no longer proved profitable for Exxon and others to try to extract oil from shale. It was back to square one for Parachute, and off to greener pastures for Chief Rhoads, who landed on his feet in the Chicago suburb of East Hazel Crest. There he runs a department of 10 full-time personnel — all top-notch people, he claims. He also spends a fair amount of time each month teaching interviewing techniques at training schools run by the U.S. Drug Enforcement Administration.

Although only 33 years old, Rhoads has already created and dismantled one police department, is now running another, and previously served in two others as a police officer, sergeant and detective. He makes no bones about the fact that he's now looking to move on once again, preferably to a department of 50 or so officers. Based on his record of achievement thus far, it would be hard to deny the truth of the statement that the best may be yet to come.

"A police interrogator has to know how to deal with people. He has to know how to talk to a person, how to use their verbal arguments appropriately to get the person to the point of confession."

Steven A. Rhoads

Police Chief of East Hazel Crest, Ill., and pioneer in the use of a psychological technique for lie detection

Law Enforcement News Interview
by Peter C. Dodenboff

LAW ENFORCEMENT NEWS: How did you come upon the concept of Neuro-Linguistic Programming and subsequently turn it into a viable technique for law enforcement interrogations?

RHOADS: I was first introduced to Neuro-Linguistic Programming at the undergraduate level while I was studying to be police psychologist at the University of Southern Colorado in Pueblo. One of the courses I took was an overview of the applied psychological therapies that could be used in the treatment of different psychoses and other problems that people may have. NLP was introduced to us as a new theory that had some possibilities but was yet untested. There were some materials written on it by its founders, Bandler and Grinder, and the instructor was giving us an overview of the theory. One of the things that I snapped on was the way people process information, and if you could deal with the way in which they're relating to information as rapport-building, it would assist me in the investigation of child abuse cases and incest cases, which I was currently involved in at that time.

The theory had a sort of mathematical base to

describe how people normally process, I found that only one portion of that theory could be made applicable to law enforcement. If that one portion would work in dealing with people — that is, being able to access their dominant representational system — I could then develop rapport just by using that system in the interview. I went back and I was interviewing my child abuse victims, and I was involved in counseling at the high school at that point, and I found it was working for me. So while their theory was very complex, I could boil it down to just one particular aspect of what you might call reading a person's thought processes. I was able to take the other side of that, then, and while they're talking about the way a person creates and constructs images and information, I found that when they were constructing in the interview setting they were lying, and it was much more accurate than what the initial founders would lead us to believe. They weren't interested in that.

I met with Dr. Roger Solomon of Colorado Springs, who had gone to an NLP workshop, and told him what I felt my application of the theory would be. Roger was very skeptical at first that it was an oversimplification of a very complex theory. It really served to temper me, because I was ready to immediately charge out and say this is working and it's really great. Roger said let's really look at it, study it, and not give up on all these other

aspects of the theory. Dr. John Thomas, who is a professor of psychology at the University of Colorado, agreed to assist me in a research project on the validity of the truth and veracity theory that I was proclaiming would work. We went through 400 college students and tested them, using just my application of Neuro-Linguistic Programming and using a polygraph to determine truth and veracity testing methods. Dr. Thomas went back to Bandler and explained to him our research. Bandler was immediately put off by that, saying that it was not something you researched, that it was a technique that worked and didn't need research, and that our application was incorrect. He was just pretty negative about the research we had done.

LEN: So it's fair to say that you did not set out to apply NLP as a "lie-detection" technique?

RHOADS: In fact, that was one of the first things I snapped on, that it could be used for that. But that was an untested portion and something I was going to have to check on. The real validity I saw that I knew was going to work for me was rapport-building, and I was hoping that my thoughts on the deception aspect were going to work as well.

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"You can know to a pretty definite certainty when someone is creating. And creations are not always lies. So it's incumbent to look at other body language and other nonverbal cues."

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A human lie detector?

LEN: Does this technique make you a "human lie detector," as one newspaper article seemed to suggest?

RHOADS: That's a sensational assessment that overstates what is done. By using this theory and putting all of the aspects together, you can know to a pretty definite certainty when someone is creating. And creations are not always lies. It may be such a thing that the person is trying to create how to best answer the question and still is telling the truth. So it's incumbent, then, to look at other body language and other nonverbal cues to determine whether this is a creation that's a lie or it's a creation that's just trying to put the best foot forward, if you will. It's definitely a subjective test.

LEN: So at best it's an adjunct to more traditional police approaches, rather than a self-sufficient kind of a thing?

RHOADS: That's a hundred percent correct. A police interrogator has to know how to deal with people. He has to know how to talk to a person, how to use their verbal arguments appropriately to get the person to that point of confession anyway. What the theory that I'm teaching does is it gives you a realistic view of what information you want to go back and follow up on.

LEN: Is anyone else in policing using this technique to the extent that you seem to be?

RHOADS: Well, since 1980 I've taught a little over 3,000 students, and I'm hoping that each of them is using it. A couple of people I know of are also instructors in police academies, and they're teaching their recruits and their in-service people. So I know of a lot of people who are using my application of the theory. Dr. Solomon, for example, has taught several people the same thing. So the information is going out.

LEN: Has the information been disseminated in any other fashion — in print, for example?

RHOADS: I've been trying to get my material published. There's been some difficulty in that because of the skepticism of it. Police Chief magazine has now accepted our article for publication; when they get it in print, I really don't know.

LEN: Does the skepticism you mention also carry over into your seminar classes? Do you have to break through any resistance on the part of veteran investigators who might hear this and say, "Give me a break"?

RHOADS: I find that very frequently, especially since I'm teaching for the Drug Enforcement Administration, teaching their narcotics investigators. Because of the nature of their role, they tend to be the most cynical of police officers. And that's not bad; it's a life-support mechanism they use in their jobs. But they look at this as kind of a "touchy-feely" sort of thing, and they're not sure they want to get into it. They may think, "This is neat stuff and it's great to listen to, but I've already developed my own style and technique that work for me, so why change anything." So I try to preface all of my remarks to these students by saying that I'm not asking them to change their styles, but merely incorporate this

information into what they're already doing.

I think one of the biggest problems we have in any kind of interrogations is that police officers tend to adopt one style; they're either the screamer or the bollerer or the sympathetic person, or whatever style they find works best for them. And they use that style each and every time they do an interrogation. I don't know of any place that really tries to train police officers to be multifaceted in an interrogation. We have to be chameleons, as it were, changing our style based on the person we're dealing with. Even in interrogation you have to change as the mood changes, as you go through the emotional stages that the person's going to process in order to confess. You've got to change your arguments appropriately.

LEN: Is that one of the critical elements of NLP, this idea of adaptability?

RHOADS: Oh certainly, because the Neuro-Linguistic Programming, if it doesn't do anything else, it gives you a real insight into the predominant representational system of a person. To explain that: Normal human beings access information through sight, sound, touching, smelling and taste. Our brain is constantly bombarded by those five senses, but if it had to access and deal with each one of those individually, it would be overwhelmed. We really couldn't relate well to anything around us. So the conscious mind takes in all these sensory inputs and reduces it immediately to three: sight, sound and kinesthetics — the touching, tasting and smelling. The mind then further reduces those three into one predominant mode, so a person is going to be predominantly sight-, sound- or feeling-oriented. We're going to first access information through sight, sound or feeling, and then we can experience the other two senses. Certain people are more sight-oriented than anything else. Like myself, for instance, I'm very heavily sight-oriented, so if I recall a beach, for example, I see the waves, the pic-

ture of the beach, but I'm so strongly sight-oriented that I never really hear the waves. I never really feel the temperature. What this does is it lets you know which one is going to be predominant. So if I'm dealing with a sight-oriented person, then I'll want to use imagery in my interrogation. If I'm dealing with a sound-oriented person, I want to use those words that are conducive to the auditory process in the subconscious mind.

LEN: Once the sensory orientation of a person has been established and the interrogator is keying on that, does the lie-detection aspect of NLP then follow?

RHOADS: Yes, once you've made that determination. For example, let's say we've made that person a sight-oriented person. Depending on whether they're right-brain or left-brain, there's a lot of different factors that have to be considered. But it's really very simple to do. For a normal right-handed person who's sight-oriented, for example, when they're remembering a vision that was previously observed, they're looking up and to their left. When they're looking up and to their right, they're creating a vision that has not been previously observed.

LEN: Based on your experience in teaching this concept, just how easy is it for someone to learn this, if that individual does not have a bachelor's degree in behavioral sciences, for example?

RHOADS: I find it very easy. Again, what I've done is I'm not trying to teach NLP, and I'm not trying to teach psychology to police. I'm a working police officer, and I've taken this theory and reduced it down so that the average police officer can pick it up very easily, take it out the next night and start using it. I'm not trying to do what I had to do in getting my bachelor's degree, learning all the different aspects of NLP. I've taken just what

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tures of the beach, but I'm so strongly sight-oriented that I never really hear the waves. I never really feel the temperature. What this does is it lets you know which one is going to be predominant. So if I'm dealing with a sight-oriented person, then I'll want to use imagery in my interrogation. If I'm dealing with a sound-oriented person, I want to use those words that are conducive to the auditory process in the subconscious mind.

The eyes have it

LEN: Does the NLP process itself enhance one's ability to determine what sort of orientation a subject has?

RHOADS: Sure, because as the person thinks, the eyes move in patterns. As you're asking neutral-based questions, the eyes are going to move in that predominant representational pattern. So a person who's sight-oriented, his eyes will move in one direction; if he's sound-oriented, they'll move in another direction. The same for someone who's kinesthetic or feeling-oriented, the eyes move in yet another direction. So the key is asking neutral-based questions to get a realistic impression. If I'm talking to a sound-oriented person, for example, I ask them to show me a picture of a beautifully colored, candy-apple red car. Well, they're sound-oriented, so they might not relate well to what I've just stated. Secondly, they have to go outside of their predominant

we really need, made it applicable to police officers, and give examples that are police-related. We do practice exercises in the classroom, and there should be no one who can't pick it up if he wants to.

LEN: Apart from the one test you did at the university, has the technique been field-tested under either empirical, laboratory conditions or more practical, everyday working conditions?

RHOADS: We tried to make the research at the University of Colorado as scientific and empirical as we could but you're still dealing with human behavior. One of the complaints of the professional journals, when I showed them our research on the 400 students, was that it was great but it wasn't applicable to the people that we would normally be dealing with in a law-enforcement setting. In 1982 we went to the Colorado Department of Corrections and used volunteer inmates who helped on this, and we were able to get the same kind of results.

LEN: And these are people you might expect would fairly experienced liars, I guess?

RHOADS: Oh sure. The people that we used ranged from a convicted murderer who was doing a very long term in prison to a kid who was doing six months for a

LEN interview: 'Lie-detector' Steve Rhoads

checks. They had all been in the system long enough to be reduced down from maximum to minimum security status, they all knew how to survive in the general population in prison. These are people that you're normally going to be dealing with in law enforcement; they weren't first-offense type people.

LEN: So as far as you're concerned, the proof is in hand as to the effectiveness of this technique?

RHOADS: In two ways. Number one, the research that was actually completed, when we were actually sitting down to show it was research. The other side of that is the interrogations we've done. I don't know how many interrogations I've used this technique in, but they're numerous. I know from experience that it works for me in the interrogation room. I know that I've gotten confessions using these techniques, confessions I would not have gotten otherwise. The Drug Enforcement Administration has just started to include me in their international circuit, teaching foreign students. And just in talking to the students, showing them the classroom exercises, working them into classroom participation, I know it works. We do the practical exercises in each of those classes, and the students are reading each other. There's been no one in those classes that we have not been able to read.

I can't say enough about the Drug Enforcement Administration's openness to having this subject matter taught. They were the first ones that gave me the opportunity to bring it into their schools back in 1980. They've been extremely supportive of me, letting me teach the police officers as a portion of their two-week schools and in-service schools, and they have to be complimented for that. A lot of the agencies, especially the Federal agencies, have a mind-set that if you're not one of their people, you don't have anything to offer. The DEA has just been outstanding. They're bringing in the best qualified people in any given field. They're not afraid to admit that they may not have all the answers so they'll go find the experts who do. It's worked out extremely well for them, I think, and their reputation is somewhat better because of it.

Polygraphists' reaction

LEN: There seem to be any number of people who, for one reason or another, can easily beat a polygraph machine. Can someone beat you?

RHOADS: Sure. It's not a hundred percent technique. There are a number of factors that come in. If the person can de-focus enough, where they're staring straight ahead, it makes it more difficult for me, because then I have to read pupillary dilation and constriction. If you've got a person with brown eyes, you can't pick that up as easily; it becomes very hard to see minute pupil dilations. Normally when I have someone who's de-focusing to that degree, they're probably being deceptive anyway, so I just have to try to use a different approach with them. It's not a hundred percent, and I don't want to claim that it is.

LEN: What's been the reaction of the professional polygraphist community to this technique, to the extent that they know of it?

RHOADS: I think we've alienated the polygraph operators to some degree, because in the research that we did initially, the research showed that the eye movements are 96.7 percent accurate. The polygraph only came up 72 percent accurate. Immediately the polygraph operators we talked to cried "foul." They said that the only incentive we gave the students to participate was a \$5 fee, and if the students admitted at any point during that period that they were lying or if they divulged any information other than what we told them to, they would lose that \$5. The polygraphers said that that was not enough of a psychological incentive to cause physiological responses to deception, so they were at an immediate disadvantage because to the students the \$5 was not a significant amount in their lives, so it didn't make any difference if they lied or not. We're getting more and more people interested in testing it themselves, but initially we did offend a lot of polygraphers in the fact that we were reporting their ability to be so low.

LEN: What's your own reaction to polygraphists and

their art?

RHOADS: Well, they're doing the exact same thing I'm doing, but it's just on a different scale. The polygraph is an extremely useful tool, in that through the power of suggestion we're telling the subconscious mind of an individual that we can tell when they're lying. That puts pressure on the person, depending on whether they're afraid of being caught in a deceptive pattern, so they're going to have tremendous physiological reactions to that machine. The other side of that, though, is if you've got a sociopath or a psychopath who feels no guilt, remorse or other anxiety toward antisocial behavior, he certainly has a much better chance of beating that machine because it doesn't matter to him. It's a totally subjective device, just as my reading the eye movements is.

The first polygraph I ever took, I had a very negative experience with it. I knew I was telling the truth, although I was accused of lying. The operator was adamant that I was lying. So my bias is going to be against the polygraph based on that experience. I took another polygraph whereby I stared straight ahead at a little spot on the wall. By staring at the wall I was able to put myself into a sort of trance, and the operator kept telling me "You're not breathing, c'mon and start breathing." I was breathing just fine; it's just that I was able to lower my metabolism enough through hypnosis that it wasn't showing up on the machine. So I do believe that the machine can be beaten, but I also believe it's useful because it is a subconscious form of saying "I can tell when you're lying, so don't lie to me."



Thanks for the publicity — sort of

LEN: You and the NLP technique were the focus of a major story in the Chicago Tribune recently. Has that publicity generally been helpful to you?

RHOADS: What it's done is it's gotten a tremendous amount of interest in the things that I'm teaching. I think it's also been very detrimental to me, in that I'm embarrassed by that kind of publicity. The case that caused all this was a homicide case in Mississippi. Two extremely competent investigators, Lieutenant Williams and Sergeant Rickles, spent an ungodly amount of time investigating the murder. They identified suspects but could not get confessions. I went down and was able to talk to the person — again, using my form of interviewing — and I got a confession. But these two guys who did all the work got none of the credit and I wound up with full credit for their case. It's not fair to them. I don't care how good an interrogator you are — unless you can identify suspects and have them brought into an office, you're not going to get any information. So these gentlemen did the work and solved the case that I'm getting all this national credit and publicity for. In that respect it's been very detrimental.

LEN: You started out in policing with the intention of becoming a police psychologist. Any regrets that you got off the track somewhat and ended up becoming a police administrator instead?

RHOADS: Not at all. I realized in going through the educational program that it just was not what I wanted

to do. I enjoy being a police officer, I enjoy working with officers and I enjoy working on the street, being involved in the enforcement aspects of the job.

LEN: As police chief of a small town like East Hazel Crest, how do you manage to keep up a barnstorming schedule of teaching for the DEA without the town feeling a serious pinch in your absence?

RHOADS: I have two things working for me that help tremendously. Number one, the reason I took this job rather than going to a much larger city that offered me a position was that they were agreeable to me teaching. They allow me to teach up to four classes per month, and that was built into the contract initially. It was a selling point to make me come to a small community. I was chief of police in a much larger department before I came here, so I was actually downgrading myself in that respect in setting myself up in a small community. But they were ready to allow me to teach, so I've got that working for me. I've got the support of the mayor and to a large extent the support of the community.

But probably the thing that helps me more than anything else is that I have probably 10 of the best officers I've ever met in law enforcement. They're tremendous people. They're dedicated, they get out here and they work, if I'm gone they pick up extra hours for me, and if anything comes up they take care of it. The personnel I've got have really been a blessing to me.

Local benefits

LEN: Is there anything in the way of direct benefits that

"I don't know how many many interrogations I've used this technique in, but but I know from experience that it works for me. I've gotten confessions using these techniques that I would not have gotten otherwise."

accrue to East Hazel Crest as a result of your outside activities?

RHOADS: I don't know that there's a direct benefit. There certainly is the indirect benefit of the publicity. It's one of the reasons that we've been able to attract the quality of people we have, considering that our salary is one of the lowest in Cook County, and the village, because of its size, has chosen not to provide a lot of benefits. Normally under those conditions you would get the absolute bottom of the pile as far as police applicants go. But because of the reputation we've been able to develop on a national scale, and I and my officers are known locally for what we can do with the NLP technique, we're able to get a higher quality applicant coming into our municipality. They don't stay long, nor should they, based on the benefits provided by the community. But at least for the two or two and a half years that they're here, we've got the best people, and they in turn will be replaced by good people who want to learn and who are dedicated to police work.

LEN: If the village is forced to skimp on salary and benefits, what sort of position does that put you in in terms of being able to afford in-service training for your officers?

RHOADS: That's one of the only things I have going for me. I was able to get a large training budget from the council. The Cook County area has a multiregional training center, so for \$30 a year per officer I can have almost unlimited training for my people. Each of my officers is given the opportunity to have any kind of training he

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Rhoads: 'Court is a very serious game'

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wants. They're required to take 16 hours of training on their own time each month. That's something I'm sure most unions would immediately fight, and most officers would hesitate about, but the people I've got do it; they want to do it. The guys are getting on the average of 32 to 40 hours a month on their own time. Any school that comes up these guys are going to it.

Now there has to be some give-and-take on this. I know my guys are giving a lot of effort, so some of the money that I'm making by teaching for DEA is funneled back into training for the officers. I was able to send two of my officers to two-week schools out of the area with money that I've made teaching. Each officer will have that opportunity before they leave. I'll pay for at least one two-week school of their choice, in exchange for what they've given me over their tenure here. These guys are out here every day hustling. We've seen our crime rate go down over 70 percent and our accident rate over 60 percent since I took over, and it's only because these guys are out here doing their jobs that that's able to happen.

LEN: Do you get much in the way of spillover crime from Chicago or other larger, outlying localities?

RHOADS: Through the metropolitan area that's the full crux of our work. In the two and a half years I've been here we've only arrested two village residents, and maybe five or six tickets to village residents. Everything else has been outside people coming into our village.

LEN: You spent about three years with the Newport News police, another three in Fountain, Colo., and then suddenly you were police chief in Parachute, Colo. How does one get to be a police chief after just six years as a police officer and sergeant?

RHOADS: Actually, with Parachute I had been in law enforcement for seven and a half years. It was just an opportunity that presented itself. I guess I was in the right place at the right time. They needed someone with a tremendous amount of street experience, and who was willing to be a chief and a street patrolman at the same time. In Newport News, because it was a large city, I was able to gain a tremendous amount of experience in a very short time. I had a great sergeant who showed me how to do a lot of things, my training officers were good, the community was active, and we were always busy. I chose to stay in the most active districts there just because of the experience factor. Had the pay been better I probably would have stayed in Newport News.

The same thing happened in Parachute. I had just received my master's degree, and Parachute was looking for someone who could be a police administrator but was willing to spend a large amount of time working the street, dealing with the construction, dealing with the miners, dealing with the problems that boom towns are going to have.

Something from nothing

LEN: You created a police department in Parachute virtually from scratch. What were among the advantages and disadvantages in doing just that?

RHOADS: The main advantage I found in Parachute was that you don't have to overcome any mind-sets or problems like that. You're starting a hundred percent new. Everything I did there was my creation, and I had to live or die by it. I wasn't taking over someone else's problems or someone else's goals and objectives. I was starting everything the way I felt it could be. Parachute was a boom town, and I was going to try a different approach to policing in that boom-town situation and try to bring in people who would fit in with that role.

One of the things I required was that none of my guys carry nightsticks — that was unheard of in a boom town. The reason was simply that we were going to be outnumbered. Initially, we had eight officers for probably 10,000 construction workers, and our nearest backup was 16 miles away. The other cities had taken an approach where they would go in, make arrests, and to some degree harass customers in the bars. I wanted to take a proactive behavioral science approach. My officers were required to go into bars every 30 minutes and do bar checks, but they were not to go in there and stand around staring at people. They were to go in and shake

hands with people, talk to people, try to get friendly and identify as many people as they could — and talk to them as one human being to another, rather than as a policeman talking to a subject on the street. It was hard to get people to be willing to do that, but I was able to get the people who wanted to try it, and it worked well for us. There was a lot of recognition that we didn't have the problems we could have had in Parachute.

LEN: Were you adequately budgeted and staffed, and did you have sufficient freedom to innovate?

RHOADS: I really was. Initially, during the boom period we had an almost unlimited budget. The Exxon oil company, the Union oil company, the construction companies involved in the area were giving us just about anything we wanted; it was almost a blank-check situation, where anything I could realistically justify we got. The village fathers said, "This is your police department, do it," and they were so busy in the other aspects of the boom that there was absolutely no interference. It was just carte blanche.

LEN: What are among the major crime or disorder problems associated with a boom town?

RHOADS: Disorderly conduct was the number-one call. Fighting in public, public drunkenness were our top

"During the boom [in Parachute] we had just about anything we wanted. It was almost a blank-check situation, where anything I could realistically justify we got."

problem. Second to that was drugs. We had construction workers, some of them making up to \$1,500 a week. The oil companies provided housing and food for \$50 a week. That left \$1,400 each week that they could spend on anything they wanted to. Unfortunately it turned out that a lot of them were spending their money on drugs and alcohol. So there was a tremendous amount of drugs in the community.

LEN: Did the crime picture change drastically as the boom became a bust?

RHOADS: Initially, during the tension part of the bust, our domestic problems became highlighted, to the point where I was involved in a police shooting because of a domestic disturbance at the end of 1982. Then everybody was gone, and it became the community it was before, where there was little or no activity and you'd get a call maybe once or twice a week. The majority of people up and left.

Back to square one

LEN: Did that lead to the complete dismantling of the police department?

RHOADS: Not the complete dismantling. I think Parachute still has two people. We had just hired our seventeenth officer when the bust started, and within five months we were down to five people, and then down to three shortly thereafter. There were going to be further layoffs with the next budget year, and that's when I left.

Parachute was a tremendous opportunity for me. I felt that this was a place I could go to and be a police chief and stay a number of years. The community was projected to grow to upwards of 30,000 people, starting from a base of 250. The police department was continually supposed to grow to anywhere from 25 to 50 people in that same period of time. Once the bust occurred, all those dreams were gone and it became a question of how long can we manage. There was still a hope that they would come back, so a lot of us stayed on, hoping that any day we would hear the announcement that it was going to boom again and we could continue building. As oil prices continued to drop, the hope that they would come back for the oil shale was gone.

LEN: On the whole, how would you characterize that roller-coaster experience — worthwhile or disappointing?

RHOADS: Both. I walked into an empty building and they said, "Create a police department, create a dispatch center." I had to examine every single aspect of a police agency, things that most people take for granted. I had to apply for FCC licensing to get radios in our station. I had to train dispatchers. I had to make forms, develop case reports and tickets — everything that most police agencies already have in place I had to examine and determine how best to set it up. So for the knowledge gained, there was no comparison. There was nowhere else I could've gone in the world and gotten that kind of experience.

It was disappointing in the fact that I really wanted to stay in the area. I had climbed the ladder very quickly, as you say, from a patrolman to detective to sergeant in Fountain, and then chief in Parachute, and I wanted to stay in one community for a while and become established. So it was very disappointing in that all of a sudden I knew that was not going to happen and I was going to have to go back and search for another job.

LEN: You went from a large department of about 350 in Newport News to progressively smaller agencies. What's your preference in terms of agency size?

RHOADS: I'm looking to move to a larger department. Right now I envision the ideal size police department for me being about 50 officers, and I really hope in the next

few months that I can move to a department that size.

Turning it on, turning it off

LEN: The article in the Chicago Tribune quoted you as saying, "I love to go to court — it's the ultimate game." Can it be presumed that you have expert witness status regarding Neuro-Linguistic Programming?

RHOADS: No, I've never had to testify to it. There's been a couple child abuse cases where it was brought up, but we were able to deal with it without a court battle over the technique itself. While overall the Tribune article was done very well, that portion of it was very sensationalized. I enjoy court, because it's an opportunity for me to use all of what I know in interrogation and interviewing to try to persuade the jury to accept my line of thought, to get the judge to accept what I'm saying. We go through games — I don't care how you describe the court, it is a game. Defense lawyers are trying to do certain things, prosecutors are trying to do certain things. It's a very serious game, but an effort at game-playing nonetheless. There are rules we have to go by, and that's how it should be, but within the limits of those rules you can use different techniques to make yourself more believable, to get your point a little more accepted than someone else's. A couple prosecutors that I've worked with have used NLP. If you know that you've got a sight-oriented witness and you want to set the person up as appearing to be non-cooperative or somewhat hesitant, you ask him all sound-oriented questions, and that causes the mind to delay the person's statements as they're trying to think of the answer or put it in proper perspective. Then you also know you've got 12 jurors in that courtroom, and they're sight-, sound- and feeling-oriented people, so you have to make sure you hit each of those three areas so that all the jurors can relate to your case. If you know you've got a sight-oriented judge, you're going to want to put a lot more visual representation into your case than you would if you had a sound-oriented judge.

LEN: Given the extent to which you've become accomplished in the use of NLP, do you ever find it hard to shut off, even in casual or social situations? Or do you find yourself unconsciously reading people's eyes and body language, whether or not you want to at a given moment?

RHOADS: I find it very easy to turn it off. I look back at my ex-wife, for example. When you start to question

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Of college and policing

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armed with a gun and the authority and discretion to use it. We should take every step to insure that those vested with that authority are as prepared for it as possible.

Almost 15 years ago, the National Advisory Committee on Criminal Justice Standards and Goals warned: "There are few professions today that do not require a college degree. Police, in their quest for greater professionalism, should take notice." The high school diploma or equivalency has for two generations most commonly been the highest level of education required by police departments around the country. When those requirements were established, a high school diploma indicated a superior level of education, but that is no longer true. In 1946, less than half of the 17-year-old population had completed high school. But by 1984, 70 percent of blacks and 83 percent of whites under age 24 had graduated from high school. Further, more than half of recent high school graduates go on to college. The number of black students enrolled in college programs has risen 118 percent since 1970.

Police should represent the communities they work in, and as a whole, Americans have achieved consistently higher levels of education since World War II. As Dallas Police Chief Billy Prince told Law Enforcement News last year, "You may not have to go to college to be a police officer, but there's no question that it makes you much better than you could be without it. It opens your mind. You fit into the world better."

(See LEN, May 26, 1986.)

In New York City last year, Mayor Edward I. Koch and Police Commissioner Ward initiated a pioneering police recruitment program specifically designed to attract college graduates to the police force. The program, called the Police Cadet Corps, provides scholarships and practical training in police work to college sophomores committed to joining the police force after graduation. Eventually, the department hopes to make the Police Cadet Corps its principal method of recruitment. So far, Commissioner Ward calls the program "a resounding success."

The first group of 130 police cadets, drawn from a pool of 1,500 applicants, began work last summer. Under the supervision of the precincts' community service officers, police cadets organized tenant and block associations, distributed crime-prevention information to community residents, escorted senior citizens and assisted in precinct youth programs. When the police cadets join the department as fully-sworn officers, they will be uniquely prepared by their combination of college education, practical police training and a long-range supervised apprenticeship.

The New York City Police Cadet Corps, the first recruitment program of its kind, has already received national acclaim. But New York and Atlanta are not alone in recognizing the benefits that attracting college graduates can bring, and in acting on that conviction. A 1986 study conducted by the Police Ex-

ecutive Research Forum and the Newport News Police Department found that more than two-thirds of the 65 departments surveyed offered economic incentives to their officers to further their educations beyond high school. Twenty-one police departments out of 122 surveyed in 1981 required at least one year of college education for entry-level officers. Police chiefs, who often set the tone for their departments, have made rapid educational achievements in the last 15 years. By 1982, 56.8 percent of police chiefs nationwide had bachelor's degrees, in contrast to only 14.2 percent in 1971.

Legal hurdles that may have at one time discouraged other cities from instituting college requirements may no longer exist. The U.S. Court of Appeals upheld in 1986 a requirement by the City of Dallas that entry-level police recruits have completed 45 college credits. The court let stand a U.S. District Court ruling, *Brenda Davis v. City of Dallas*, which held that "the educational requirements bear a manifest relationship to the position of police officer" because police are entrusted with the "lives and well-being" of the public. The precedent-setting decision opens the way for more cities to set requirements similar to the one in Dallas, to the one proposed for Atlanta, and for programs similar to the Police Cadet Corps in New York City.

Policies changing on spouse abuse

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number of departments preferring arrest.

Those departments allowing full officer discretion in domestic violence incidents have dropped from 49 percent of the total in 1984 to 34 percent in 1986.

"For the first time, officer discretion is clearly declining in the area of domestic violence and being replaced with clear policy guidelines and restraints upon responding officers," the study noted.

A policy that limits or eliminates officer discretion tends to get a mixed reaction among police, however.

According to James K. Stewart, director of the National Institute of Justice, while police generally do not like change, "when confronted with some hard evidence they are willing to go ahead and make that change."

The Minneapolis experiment and other efforts that limit discretion are not without difficulties, Stewart said, "because police said, 'Look, I'm there and if I decide that this person ought to go to jail because of the violence, or shouldn't go to jail because of a lack of sufficient evidence or because the partner contributed a lot to the episode, then I want to use my discretion.'"

"They're a lot like judges," Stewart said, "They have the authority to do that and they

don't like to give that up."

The study found that the percentage of police departments reporting actual arrests in cases of domestic violence increased from 24 percent in 1984 to 47 percent in 1986.

The increase is due to several factors, the institute asserted. On the one hand, the institute said, police agencies in growing numbers are following the advice of the Attorney General's Task Force on Family Violence and keeping separate statistics on domestic assault cases.

The Minneapolis Domestic Violence Study, changes in state laws, liability lawsuits and the spotlight of media attention have also contributed to the changes in policy.

The Minneapolis study, conducted from 1981 to 1982 by the Police Foundation, found that arrest was more effective than two non-arrest alternatives in reducing the likelihood of repeat domestic violence over a six-month, follow-up period.

The impact of the Minneapolis study was underscored in the institute's new report where it was noted that two-thirds of those police departments surveyed had heard of the Minneapolis experiment, and 78 percent of those correctly identified the research findings of the study.

The latest scorecard in drug-test cases

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crime control bureau of the New York City Police Department, nonmilitary police personnel at the Army's Fort Stewart in Georgia, the East Point, Ga., Police Department and the Chattanooga, Tenn., Police Department.

To date there has been only one Federal appeals court decision in a drug-testing case, and that one had nothing to do with law enforcement personnel. The New Jersey Racing Commission had ordered jockeys and others in the racing industry to take urine and breathalyzer tests, a procedure that the appellate court found unconstitutional and which the Supreme Court declined to review. Jon Bauer of the Legal Action Center noted that the decision "was based on some unusual factors because racing has always been a pervasively regulated industry and there's always been concern about organized crime control."

How Federal appellate courts and the Supreme Court will

decide the question of mandatory drug testing in law enforcement remains to be seen. The closest parallel in a Federal appellate decision, according to Bauer, is a case decided a few years by the U.S. Court of Appeals for the Second Circuit, involving mandatory strip searches of correction officers in New York State. "The court held that it violated Fourth Amendment rights," Bauer noted. "The court's logic was that even though they're correction officers they don't give up all their privacy rights."

Many of the lawyers battling mandatory drug testing in law enforcement have hung their hats on that ruling. We will more than likely find out in the coming months whether it's a secure peg.

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Court rules on inventory search

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criminal investigations." Ibid.

For these reasons, ruled the Chief Justice, the Colorado Supreme Court's reliance on *Arkansas v. Sanders* and *United States v. Chadwick* was incorrect. Both of those cases concerned searches conducted solely for the purpose of investigating criminal conduct, with the validity of the searches therefore dependent on the application of the probable cause and warrant requirements of the Fourth Amendment.

"By contrast," wrote Rehnquist, "an inventory search may be 'reasonable' under the Fourth Amendment even though it is not conducted pursuant to warrant based on probable cause. In *Opperman*, this Court assessed the reasonableness of an inventory search of the glove compartment in an abandoned automobile impounded by the police. We found that inventory procedures serve to protect an owner's property while it is in the custody of the police, to insure against claims of lost, stolen, or vandalized property, and to guard the police from danger. In light of these strong governmental interests and the diminished expectation of privacy in an automobile, we upheld the search. In reaching this decision, we observed that

our cases accorded deference to police caretaking procedures designed to secure and protect vehicles and their contents within police custody." See *Cooper v. California*, 386 U.S. 58, 61-62 (1967); *Horris v. United States*, 390 U.S. 234, 236 (1968); *Cady v. Dombrowski*, 413 U.S. 433, 447-448 (1973).

In the Supreme Court's more recent decision, *Lafayette*, a police officer conducted an inventory search of the contents of a shoulder bag in the possession of an individual being taken into custody. In deciding whether this search was reasonable, the Supreme Court recognized that the search served legitimate governmental interests similar to those identified in *Opperman*. It was determined that those interests outweighed the individual's Fourth Amendment interests and the search was upheld.

In the present case, as in *Opperman* and *Lafayette*, there was no showing that the police, who were following standardized procedures, acted in bad faith or for the sole purpose of investigation. In addition, the governmental interests that justified the inventory searches in *Opperman* and *Lafayette* are nearly the same as those present in the *Bertine* case.

In each case, the police were potentially responsible for the property taken into their custody. By searching the property, the police protected that property from unauthorized interference. Knowledge of the precise nature of the property helped guard against claims of theft, vandalism or negligence. Such knowledge also helped to avert any danger to police or others that may have been posed by the property.

Keep It Routine

This Supreme Court opinion should not be misinterpreted as sanctioning a flood of warrantless searches. The Court has merely held that if the inventory search is part of the usual departmental routine, and if the inventory search is not a subterfuge for what should be a search with warrant, then contraband found in the inventory may be admitted in evidence. Those, however, are two very big "ifs." (*Colorado v. Bertine*, No. 85-889. Decision issued Jan. 14, 1987.)

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You can't hide your lyin' eyes

Chief Steve Rhoads knows a good lie when he sees one. It's all part of a technique known as Neuro-Linguistic Programming, which Rhoads has been an apostle of since his undergraduate days. Find out more about a fascinating interrogator's technique for spotting lies and building rapport, in an unusual LEN interview **on Page 9.**

Also in this issue:

More police agencies turn to arrest in cases of domestic violence
Atlanta turns to auxiliaries to help solve police manpower dilemma

Federal drug test guidelines include plans for toilet monitoring
Forum: Get cops out of the spy business; get cops into college education

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